



CITY OF STAYTON

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT

APPLICATION AND DECISION MAKING PROCEDURES

Prior to submittal of an application, a pre-application meeting with City Staff is recommended. A completed pre-application form and sketch plan drawing need to be submitted at least 7 days in advance of the meeting. Meetings are held every Tuesday afternoon and there is no fee for the first required pre-application meeting.

1. APPLICATION FEE

Submission of a completed application form, with a plan and attachments, and payment of the application fees are required before the review process begins. The application and fees shall be submitted to the Planning Department during regular business hours. **The fee for this application is \$1,550.** If the cost to the City does not reach the amount of the fee paid, the excess fee will be refunded to the applicant after the file is closed. If during the processing of the application, the costs to the City exceed 75% of the fee paid, the applicant will be required to pay an additional 50% of the fee amount, to assure that there are adequate funds to continue to process the application.

2. REVIEW FOR COMPLETENESS AND SCHEDULING A HEARING

The City Planner will review the submitted application for completeness and, within 30 days from the date of submittal, determine if the applicant has provided all required information. If the application is incomplete, the City Planner will notify the applicant of the items which need to be submitted. Once the application is deemed complete, the Planner will schedule a hearing before the Stayton Planning Commission. Planning Commission meetings are regularly scheduled for the last Monday of the month. State law requires the City to notify the Department of Land Conservation and Development 45 days before the first hearing on any amendment to the comprehensive plan and zoning map. This will be taken into consideration when the first hearing is scheduled.

3. STAFF REPORT

Once a hearing date is set, the City Planner will prepare a staff report summarizing the applicant's proposal, the decision criteria, comments from other agencies or the public, and address whether the application complies with code requirements or suggest conditions to meet those requirements. A copy of the staff report will be provided to the applicant 7 days prior to the public hearing.

4. PUBLIC HEARING BEFORE THE STAYTON PLANNING COMMISSION

Prior to the public hearing, notice is required to be sent to all property owners within 300 feet of the property 20 days before the hearing, so the hearing will be scheduled at the first regular meeting following the notice period. The hearing is to give all interested parties an opportunity to comment on the application. The hearing is conducted by the Chairperson in accordance with the Stayton Public Hearing Rules of Procedure. These rules are available at City Hall.

At the conclusion of the hearing and deliberation, the Planning Commission will adopt an order recommending action to the City Council stating the decision criteria, findings of fact, conclusions whether the application meets any applicable standards and the Commission's decision. The Commission may decide to recommend denial, approval, or approval of the application with conditions.

5. PUBLIC HEARING BEFORE THE STAYTON CITY COUNCIL

Amendments to the zoning map and comprehensive plan must be adopted by ordinance so a second public hearing will be scheduled before the Stayton City Council. A notice is required 10 days prior to the hearing which will be held at the regular Council meeting, which meets the first and third Mondays of every month. Staff reports, Planning Commission findings, and any new information will be presented to Council for consideration. The purpose of the hearing is to receive further public testimony, to review the application and consider the Planning Commission's decision and conditions. Generally, the Council will make a decision at the conclusion of the hearing process, but may delay the decision for further information or action by the applicant. The Council will then adopt an order either approving or denying the application and subsequently an ordinance.

6. APPEALS

Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

7. FOR MORE INFORMATION

Call or write to City of Stayton Planning Dept., (mailing address) 362 N. Third Avenue, (building address) 311 N. Third Avenue, Stayton, Oregon 97383. (503) 769 2998; email: dfleishman@ci.stayton.or.us.

APPLICATION CHECKLIST FOR COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT

This checklist has been prepared to assist applicants in submitting an application that includes all the submission requirements in Sections 17.12.170. Please note that this checklist may paraphrase the requirements from the Code. It is the applicant's responsibility to read and understand the requirements of the Code. Review of an application will not begin until a complete application has been submitted. If you have questions, contact the Planning Department.

- ☐ Lot and block description or a metes and bounds description of the area for which a map amendment is requested, marked Exhibit A.
- ☐ Certified List of Property Owners: A certified list of all property owners within 300 feet of the property for which the map amendment is proposed, dated within 60 days of the date on which the application is filed. Two copies of the list must be submitted on adhesive-backed mailing labels.
- ☐ Property Owner Authorization: If the applicant is not the owner of the property, the application must include written indication of the applicant's right to file the application. This may be a purchase and sale agreement, an option or other document that gives the applicant some legal interest in the property. If the applicant is to be represented by another individual (planning consultant, engineer, attorney) the application must be accompanied by a notarized statement certifying that the applicant's representative has the authorization of the applicant(s) to file the application.
- ☐ Three copies of a site plan drawn to a scale of 1 inch equals not more than 50 feet and 12 reduced copies of the plan sized 11 inches by 17 inches, showing:
 - A north point and graphic scale
 - Tax map and tax lot numbers.
 - Boundary lines of the parcel and area of the property in acres or square feet.
 - Existing and proposed zoning boundaries
- ☐ Vicinity Map: The vicinity map may be drawn on the same map as the site plan. All properties, streets, natural features, and current zoning within 300 feet of the perimeter of the parcel shall be shown on the vicinity map.
- ☐ Five copies of a Transportation Impact Analysis, based on the standards and requirements in Section 17.26.050. The Transportation Impact Analysis shall also meet the requirements of Oregon Administrative Rule 660-012-0060.

BURDEN OF PROOF

This is a quasi-judicial application in which the applicant has the burden of proof. According to law, the applicant must present to the decision maker facts, evidence, analysis, and justification for each and every criteria of SMC 17.12.210.4 in order to carry out that burden of proof. It is important to remember that there is no assumption that the applicant is entitled to this approval. The burden lies with the applicant to prove how the proposal complies with the criteria, not with the City of Stayton.

Stayton Municipal Code Title 17, Land Use and Development, is available online at: www.staytonoregon.gov. Click on the Document Center tab and select Municipal Code.



CITY OF STAYTON

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT

PROPERTY OWNER: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

APPLICANT: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

APPLICANT'S REPRESENTATIVE: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

Name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

ENGINEERING

Name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☐ owner ☐ applicant ☐ applicant's representative ☐ planning consultant ☐ engineer

LOCATION:

Street Address: _____

Assessor's Tax Lot Number and Tax Map Number: _____

Closest Intersecting Streets: _____

CURRENT ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: _____

PROPOSED ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: _____

SIGNATURE OF APPLICANT: _____

DO NOT WRITE BELOW THIS LINE

Application received by: _____ Date: _____ Fee Paid: \$ _____ Receipt No. _____

Land Use File# _____

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.12.170.6 and 17.12.180.6. Please provide the following information in full and attach to this application as Exhibit B.

1. **COMPREHENSIVE PLAN MAP AMENDMENT.** Is the proposed amendment compatible with the provisions of the Comprehensive Plan when measured by the following?
 - a. What is the land area that will be affected by the map amendment?
 - b. What are the current land uses in the surrounding area?
 - c. What is the proposed use of the site?
 - d. What is the impact of the proposed amendment on land use and development patterns in the City regarding:
 - i. Traffic generation and circulation patterns
 - ii. Population concentrations
 - iii. Demand for public facilities and services
 - iv. Maintenance of public health and safety
 - v. Level of park and recreation facilities
 - vi. Economic activities
 - vii. Protection and use of natural resources
 - viii. Natural hazards and constraints
 - ix. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs
 - e. Is there a need for the proposed map change based on the lack of available land in the districts where the proposed use is allowed?
 - f. Are adequate urban services available to the site for the proposed use?
 - g. How does the proposed amendment comply with all the applicable Statewide Planning Goals and administrative rule requirements? The State's Transportation Planning Rule requires an amendment to an acknowledged comprehensive plan or a land use regulation to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of transportation facilities. If there is a proposed change in the urban growth boundary, then compliance with Goal 14 and the Urban Growth Policies of the City of Stayton will also need to be described.
 - h. Can the proposed amendment be implemented within the existing framework of the comprehensive plan?
 - i. Is the proposed amendment an appropriate action under one or more of the following criteria?
 - i. It corrects identified error(s) in the provisions of the comprehensive plan.
 - ii. It represents a logical implementation of the plan,
 - iii. It is mandated by changes in federal, state or local law.
 - iv. It is otherwise desirable, appropriate and proper.